UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/771,902	02/04/2004	Eric Edwards	Sony-06000	3886

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EXAMINER
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ART UNIT	PAPER NUMBER
2131	

DATE MAILED: 05/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	10/771,902	EDWARDS ET AL.
	Examiner	**Art Unit**	
	Kaveh Abrishamkar	2131	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *21 February 2006*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-6,8 and 10-30* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-6,8 and 10-30* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____ .

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____ .

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____ .

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1.   A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on February 21, 2006 has been entered.

2.   Claims 1-6, 8, and 10-30 are currently pending consideration.

Response to Arguments

3.   Applicant's arguments filed February 21, 2006 have been fully considered but they are not persuasive for the following reasons:

Regarding claim 1, the Applicant argues that the Cited Prior Art (CPA), Baron (U.S. Patent No. 6,459,388), does not teach "as content types in which the user has expressed interest." This argument is not found persuasive. Baron discloses that the users can consult a database "to allow the user to determine if the site is worth visiting" (column 7 lines 61-67). If the user determines that the site is worth visiting, then it follows that the user has expressed interest in that site. Furthermore, the Applicant argues that the CPA does not teach "a user profile includes at least one content type describing photographic interests of a user." This argument is not found persuasive. The CPA teaches that the user has a database (user profile) containing different

photographs and location information associated with each photograph (column 7 line 61- column 8 line 6). The photographs of different locations are interpreted as being a content type.

Furthermore, the Applicant argues that the CPA, Baron (U.S. Patent No. 6,459,388) in view of Wall et al. (U.S. Patent No. 6,731,239), does not teach "varying the geographic limits to the device based on the geographic location of the device and the content types within said user profile." This argument is not found persuasive. The CPA (Wall) discloses limiting the amount of information be reducing the distance around position coordinates, or based on a list provided to the user on preferred geographic sites (column 4 line 63 – column 5 line 5). Furthermore, Wall states that using parameters from the user profile such as if a user is interested in historical sites and landmarks, then these would be provided to the user further limiting the amount of information sent to the device (column 5 lines 13-41). Therefore, it is respectfully asserted that the CPA does teach varying the geographic limits to the device based on the location of the device and content types.

Furthermore, the Applicant argues that the CPA (Baron) does not teach "detecting a content type of the captured image." This argument is not found persuasive. The CPA discloses that location information can be used for the user or by others that desire location information about the photograph (column 8 lines 20-27).

4.   The 112 2nd rejections of claims 17-18, and 29-30 have been overcome by the amendments.

Therefore, the rejection for the pending claims is maintained as given below.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4.   Claims 1-5 and 21-28 are rejected under 35 U.S.C. 102(b) as being anticipated

by Baron (U.S. Patent 6,459,388).

Regarding claim 1, Baron discloses:

A method of identifying photographic opportunities, comprising:

maintaining a user profile describing the photographic interests of a user as

content types in which the user has expressed interest (column 7 lines 54-67), wherein

a database contains pictures of the sites previously captured by the user;

determining a geographic location of a device (column 5 lines 48-57), wherein

GPS is used to determine the location of the device;

transmitting the plurality of photo opportunity suggestions to the device (column

7 lines 53-67), wherein a plurality of sites are displayed to a user and the user is free to

visit any of the sites that the use desires;

receiving a user selection from the device chosen from the plurality of

suggestions (column 7 lines 65-67), wherein the user keys in a desire to visit the site;

and

transmitting additional information to the user regarding the selected photo

opportunity to the device (column 7 lines 65-67), wherein if the user selects the site,

navigational information is provided to the user.

Claim 2 is rejected as applied above in rejecting claim 1. Furthermore, Baron discloses:

The method according to claim 1 wherein the user profile is maintained based on

photographs captured by the user (column 7 lines 60-65), wherein the database used to

determine which sites to visit includes pictures captured by the user.

Claim 4 is rejected as applied above in rejecting claim 3. Furthermore, Baron discloses:

The method according to claim 3 wherein the device is an image sensing device

or a camera device (column 3 lines 66-67), wherein the optical device is preferably a

camera.

Claim 5 is rejected as applied above in rejecting claim 1. Furthermore, Baron discloses:

The method according to claim 1 further comprising selecting the at least one

suggestion from a plurality of suggestions within a photo opportunity database wherein

each suggestion includes a content type and a geographic location (column 7 line 53 –

column 8 line 6), wherein the suggestion can be accompanied by a map.

Regarding claim 21, Baron discloses:

A system for suggesting local photo opportunities, comprising:

an interface module configured for receiving a geographical location of a camera device (column 5 lines 48-57), wherein GPS is used to determine the location of the device;

a storage module configured for storing a user profile wherein the user profile includes at least one content type describing photographic interests of a user (column 7 lines 54-67), wherein a database contains pictures of the sites previously captured by the user; and

a review module updates the user profile based on the content type and the geographical location of the camera device (paragraph 20, paragraph 65) (column 7 lines 53-67), wherein a plurality of sites are displayed to a user and the user is free to visit any of the sites that the use desires;

wherein said review module creates a user profile based on prior photographs captured by the user through said camera device (column 7 lines 53-67), wherein the previous photographs are used to determine if the user wants to visit the site.

Claim 22 is rejected as applied above in rejecting claim 21. Furthermore, Baron discloses:

The system according to claim 21 wherein the interface module is configured for receiving a selection from the camera device wherein the selection is from at least one suggestion (column 7 lines 65-67), wherein the user keys in a desire to visit the site.

Claim 23 is rejected as applied above in rejecting claim 22. Furthermore, Baron discloses:

The system according to claim 22 wherein the interface module is configured to transmit a detailed description to the camera device wherein the detailed description corresponds to the selection (column 7 line 53 – column 8 line 6), wherein the suggestion can be accompanied by a map.

Claim 24 is rejected as applied above in rejecting claim 23. Furthermore, Baron discloses:

The system according to claim 23 wherein the detailed description includes a sample image of the selection (column 7 line 53 – column 8 line 6), wherein the suggestion can be accompanied by a map and a preview image of the site.

Claim 25 is rejected as applied above in rejecting claim 23. Furthermore, Baron discloses:

The system according to claim 23 wherein the detailed description includes a description of the selection (column 6 lines 60-65), wherein the selections are accompanied by historical, cultural and/or operational information.

Claim 26 is rejected as applied above in rejecting claim 23. Furthermore, Baron discloses:

The system according to claim 23 wherein the detailed description includes directions to the selection based on the geographic location of the camera device (column 7 line 53 – column 8 line 6), wherein the suggestion can be accompanied by a map and navigational information.

Claim 27 is rejected as applied above in rejecting claim 22. Furthermore, Baron discloses:

The system according to claim 22 wherein the storage module is configured to store a photo opportunity database that includes a plurality of photo opportunity listings wherein each listing is associated with a geographic area and a content type (column 6 lines 19 – 37).

Regarding claim 28, Baron discloses:

A computer-readable medium having computer executable instructions for performing a method of suggesting photo opportunities within a local area comprising:

sensing a user profile describing the photographic interests of a user as content types in which the user has expressed interest (column 7 lines 54-67), wherein a database contains pictures of the sites previously captured by the user;

determining a geographic location of a device (column 5 lines 48-57), wherein

GPS is used to determine the location of the device;

identifying a plurality of suggestions from a photo opportunity database based on

the geographic location of the device and the photographic interests within said user

profile wherein each suggestion indicates a unique photo opportunity (column 7 lines

53-67), wherein a plurality of sites are displayed to a user and the user is free to visit

any of the sites that the use desires;

transmitting the plurality of photo opportunity suggestions to the device (column 7

lines 53-67), wherein a plurality of sites are displayed to a user and the user is free to

visit any of the sites that the use desires;

receiving a user selection from the device chosen from the plurality of

suggestions (column 7 lines 65-67), wherein the user keys in a desire to visit the site;

and

transmitting additional information to the user regarding the selected photo

opportunity corresponding to the selection to the device (column 7 lines 65-67), wherein

if the user selects the site, navigational information is provided to the user.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set
forth in section 102 of this title, if the differences between the subject matter sought to be patented and
the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains.
Patentability shall not be negatived by the manner in which the invention was made.

5.   Claims 3, 6, 8, 10-16, and 19-20 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Baron (U.S. Patent 6,459,388) in view of Wall et al. (U.S. Patent

6,731,239).

Claim 3 is rejected as applied above in rejecting claim 1. Baron does not explicitly

disclose dynamically widening or narrowing an area around the geographic location of

the device to either increase or decrease the number of suggestions received. Wall

discloses adjusting (increasing or decreasing) the given distance around position

coordinates (column 4 lines 61-65). Baron and Wall are analogous arts in that both

supply GPS-enabled users information about nearby geographic sites. Wall discloses

limiting or increasing the amount of information, depending on the number of sites within

a given radius. Furthermore, Wall states that limiting the amount of information is

desirable in order to control the amount of information processed by the user device

(column 4 lines 45-62). Therefore, it would have been obvious to one of ordinary skill in

the art at the time of invention to dynamically adjust the radius, as in Wall, in order to

regulate the amount of information processed by the user device.

Claim 6 is rejected as applied above in rejecting claim 5. Baron does not explicitly

disclose dynamically widening or narrowing an area around the geographic location of

the device to either increase or decrease the number of suggestions received, or by

relaxing or tightening a requirement of the content type matching the user profile. Wall

discloses adjusting (increasing or decreasing) the given distance around position

coordinates (column 4 lines 61-65). Baron and Wall are analogous arts in that both

supply GPS-enabled users information about nearby geographic sites. Wall discloses

limiting or increasing the amount of information, depending on the number of sites within

a given radius. Furthermore, Wall states that limiting the amount of information is

desirable in order to control the amount of information processed by the user device

(column 4 lines 45-62). Therefore, it would have been obvious to one of ordinary skill in

the art at the time of invention to dynamically adjust the radius, as in Wall, in order to

regulate the amount of information processed by the user device.

Claim 8 is rejected as applied above in rejecting claim 5. Baron does not explicitly

disclose dynamically widening or narrowing an area around the geographic location of

the device to either increase or decrease the number of suggestions received, or by

relaxing or tightening a requirement of the content type matching the user profile. Wall

discloses adjusting (increasing or decreasing) the given distance around position

coordinates (column 4 lines 61-65). Baron and Wall are analogous arts in that both

supply GPS-enabled users information about nearby geographic sites. Wall discloses

limiting or increasing the amount of information, depending on the number of sites within

a given radius. Furthermore, Wall states that limiting the amount of information is

desirable in order to control the amount of information processed by the user device

(column 4 lines 45-62). Therefore, it would have been obvious to one of ordinary skill in

the art at the time of invention to dynamically adjust the radius, as in Wall, in order to regulate the amount of information processed by the user device.

Regarding claim 10, Baron discloses:

A system of identifying photographic opportunities comprising:

means for sensing a user profile (column 7 lines 54-67), wherein a database contains pictures of the sites previously captured by the user;

means for determining a geographic location of a device (column 5 lines 48-57), wherein GPS is used to determine the location of the device;

means for transmitting a desired number of suggestions, incorporating at least suggestion, to the device based on the geographic location of the device and the user profile wherein the suggestion indicates a photo opportunity (column 7 lines 65-67), wherein if the user selects the site, navigational information is provided to the user.

Baron does not explicitly disclose dynamically widening or narrowing an area around the geographic location of the device to either increase or decrease the number of suggestions received. Wall discloses adjusting (increasing or decreasing) the given distance around position coordinates (column 4 lines 61-65). Baron and Wall are analogous arts in that both supply GPS-enabled users information about nearby geographic sites. Wall discloses limiting or increasing the amount of information, depending on the number of sites within a given radius. Furthermore, Wall states that limiting the amount of information is desirable in order to control the amount of

information processed by the user device (column 4 lines 45-62). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to dynamically adjust the radius, as in Wall, in order to regulate the amount of information processed by the user device.

Regarding claim 11, Baron discloses:

sensing a user profile containing user content type selections describing the photographic interests of a user in which the user has expressed interest (column 7 lines 54-67), wherein a database contains pictures of the sites previously captured by the user;

determining a geographic location of a device (column 5 lines 48-57), wherein GPS is used to determine the location of the device;

identifying a plurality of suggestions from a photo opportunity database based on the geographic location of the device and the content types within said user profile wherein each suggestion indicates a unique photo opportunity (column 7 lines 53-67), wherein a plurality of sites are displayed to a user and the user is free to visit any of the sites that the use desires;

transmitting the listing of suggestions to the device (column 7 lines 53-67), wherein a plurality of sites are displayed to a user and the user is free to visit any of the sites that the use desires;

receiving a selection from the device wherein the selection is chosen from the

listing of suggestions (column 7 lines 65-67), wherein the user keys in a desire to visit

the site; and

transmitting detailed information corresponding to the selection to the device

(column 7 lines 65-67), wherein if the user selects the site, navigational information is

provided to the user.

Baron does not explicitly disclose dynamically widening or narrowing an area around

the geographic location of the device to either increase or decrease the number of

suggestions received. Wall discloses adjusting (increasing or decreasing) the given

distance around position coordinates (column 4 lines 61-65). Baron and Wall are

analogous arts in that both supply GPS-enabled users information about nearby

geographic sites. Wall discloses limiting or increasing the amount of information,

depending on the number of sites within a given radius. Furthermore, Wall states that

limiting the amount of information is desirable in order to control the amount of

information processed by the user device (column 4 lines 45-62). Therefore, it would

have been obvious to one of ordinary skill in the art at the time of invention to

dynamically adjust the radius, as in Wall, in order to regulate the amount of information

processed by the user device.

Claim 12 is rejected as applied above in rejecting claim 11. Furthermore, Baron

discloses:

The method according to claim 11 wherein the device is a camera device (column 3 lines 66-67), wherein the optical device is preferably a camera.

Claim 13 is rejected as applied above in rejecting claim 11. Furthermore, Baron discloses:

The method according to claim 11 wherein the detailed information includes a sample image of the selection (column 7 lines 53-65), wherein the user can preview photographs of the site.

Claim 14 is rejected as applied above in rejecting claim 11. Furthermore, Baron discloses:

The method according to claim 11 wherein the detailed information includes directions to the selection based on the geographic location of the camera device (column 7 lines 65-67), wherein if the user selects a site, navigation information is provided.

Claim 15 is rejected as applied above in rejecting claim 11. Furthermore, Baron discloses:

The method according to claim 11 wherein the detailed information includes a description of the selection (column 6 lines 60-65), wherein the selections are accompanied by historical, cultural and/or operational information.

Claim 16 is rejected as applied above in rejecting claim 11. Furthermore, Baron

discloses:

The method according to claim 11 further comprising detecting an image

captured by the camera device (column 8 lines 20-28).

Claim 19 is rejected as applied above in rejecting claim 16. Furthermore, Baron

discloses:

The method according to claim 16 further comprising updating the user profile

based on the captured image (column 8 lines 20-33), wherein the captured image is

placed into a remote database for future use by the user.

Claim 20 is rejected as applied above in rejecting claim 16. Furthermore, Baron

discloses:

The method according to claim 16 further comprising detecting a content type of

the captured image (column 8 lines 20-28), wherein the imaging data and location

information can be used to determine the content type.

10.   Claims 17-18, and 29-30 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Baron (U.S. Patent 6,459,388) in view of Hunter et al. (U.S.

Publication No. 2003/0020816).

Claim 17 is rejected as applied above in rejecting claim 16. Baron does not explicitly

comparing the captured image with a stored sample image by executing image

recognition and comparison algorithms to determine a match between the captured

image and the sample image to associate information from the sample image to the

captured image. Hunter teaches comparing a captured image with a sample image

using image recognition software and if the images match, adding content from the

sample to the captured image (paragraphs 37-39, 44). Baron and Hunter are

analogous arts because both use GPS-enabled cameras to capture sites which already

have a sample stored in a database. Hunter adds textual information to the picture after

a match is made in order to provide the user with "location and time at which

photographs were taken and/or any stories, historical information" that was associated

with the sample image (paragraph 4). Therefore, it would have been obvious to one of

ordinary skill in the art at the time of invention to add the descriptive text from the

sample image to the capture image, in order to provide the user with historical

information associated with the captured site.

Claim 18 is rejected as applied above in rejecting claim 17. Baron does not explicitly

comparing the captured image with a stored sample image by executing image

recognition and comparison algorithms to determine a match between the captured

image and the sample image to associate information from the sample image to the

captured image. Hunter teaches comparing a captured image with a sample image

using image recognition software and if the images match, adding content from the

sample to the captured image (paragraphs 37-39, 44). Baron and Hunter are

analogous arts because both use GPS-enabled cameras to capture sites which already have a sample stored in a database. Hunter adds textual information to the picture after a match is made in order to provide the user with "location and time at which photographs were taken and/or any stories, historical information" that was associated with the sample image (paragraph 4). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to add the descriptive text from the sample image to the capture image, in order to provide the user with historical information associated with the captured site.

Claim 29 is rejected as applied above in rejecting claim 1. Baron does not explicitly comparing the captured image with a stored sample image by executing image recognition and comparison algorithms to determine a match between the captured image and the sample image to associate information from the sample image to the captured image. Hunter teaches comparing a captured image with a sample image using image recognition software and if the images match, adding content from the sample to the captured image (paragraphs 37-39, 44). Baron and Hunter are analogous arts because both use GPS-enabled cameras to capture sites which already have a sample stored in a database. Hunter adds textual information to the picture after a match is made in order to provide the user with "location and time at which photographs were taken and/or any stories, historical information" that was associated with the sample image (paragraph 4). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to add the descriptive text from the

sample image to the capture image, in order to provide the user with historical information associated with the captured site.

Claim 30 is rejected as applied above in rejecting claim 29. Baron does not explicitly comparing the captured image with a stored sample image by executing image recognition and comparison algorithms to determine a match between the captured image and the sample image to associate information from the sample image to the captured image. Hunter teaches comparing a captured image with a sample image using image recognition software and if the images match, adding content from the sample to the captured image (paragraphs 37-39, 44). Baron and Hunter are analogous arts because both use GPS-enabled cameras to capture sites which already have a sample stored in a database. Hunter adds textual information to the picture after a match is made in order to provide the user with "location and time at which photographs were taken and/or any stories, historical information" that was associated with the sample image (paragraph 4). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to add the descriptive text from the sample image to the capture image, in order to provide the user with historical information associated with the captured site.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kaveh Abrishamkar whose telephone number is 571-272-3786. The examiner can normally be reached on Monday thru Friday 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on 571-272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

KA
05/08/2006

CHRISTOPHER REVAK
PRIMARY EXAMINER